

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 PM-05 INR-07 L-03 ACDA-07
NSAE-00 PA-01 SS-15 PRS-01 SP-02 TRSE-00 NSC-05
DODE-00 NSCE-00 SSO-00 USIE-00 INRE-00 /059 W
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O O 122023Z AUG 77 ZFF 4
FM AMEMBASSY BONN
TO SECSTATE WASHDC NIACT IMMEDIATE 0634
AMEMBASSY PARIS IMMEDIATE
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
USMISSION NATO

C O N F I D E N T I A L SECTION 01 OF 02 BONN 13242

DEPARTMENT NOTIFY EUR/CE ON RECEIPT

E.O. 11652: GDS
TAGS: PGOV, BQG
SUBJECT: LORENZ TRIAL: FRENCH INTRANSIGENCE ON
PROPOSED AK PRESS STATEMENT

REFS: (A) BONN 13241; (B) BONN 12426

BEGIN SUMMARY: FULL BONN GROUP AD REF APPROVAL OF
PROPOSED AK PRESS STATEMENT ON LORENZ TRIAL WAS
BLOCKED TODAY BY FRENCH. ACTION REQUESTED: THAT
DEPARTMENT APPROVE TEXT OF PROPOSED PRESS STATEMENT
AND, IF THE DEMARCHES PROPOSED IN REF A ARE MADE,
THAT DEPARTMENT AND EMBASSY PARIS SEEK AGREEMENT TO
THE TEXT AND USE OF THE STATEMENT. END SUMMARY

1. IN THE AUGUST 12 BONN GROUP DISCUSSION OF THE
LORENZ TRIAL (REPORTED IN REF A), CONSIDERATION WAS
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ALSO GIVEN TO A DRAFT ALLIED STATEMENT. THE US, UK
AND FRG REPS AGREED AD REF TO A STATEMENT WHICH IS
LARGELY THE SAME AS THE PROPOSED PRESS STATEMENT
CONTAINED IN REF B (PARA 8). THE FRENCH REP (RICHARD),
WHILE RESERVING HIS POSITION ON THE STATEMENT AS
AGREED BY THE OTHER THREE REPS, SOUGHT TO INFLUENCE
ITS DRAFTING IN WAYS WHICH HE THOUGHT MIGHT MEET

PARIS' MINIMUM REQUIREMENTS. IN PARTICULAR, HE ARGUED (APPARENTLY ON INSTRUCTIONS) FOR INCLUDING THE BRACKETED PHRASE, "IN CONFORMITY WITH THE TERMS OF BK/O (51)63," AT THE BEGINNING OF THE SECOND SENTENCE.

2. THE TEXT OF THE DRAFT IS AS FOLLOWS:

BEGIN TEXT

THE FUNCTIONS IN THE WESTERN SECTORS OF BERLIN OF OFFICERS OF THE BUNDESANWALTSCHAFT DERIVE FROM FEDERAL LEGISLATION WHICH HAS BEEN ADOPTED BY THE BERLIN HOUSE OF REPRESENTATIVES AS BERLIN LAW IN ACCORDANCE WITH ESTABLISHED PROCEDURES. BEGIN BRACKETS IN CONFORMITY WITH THE TERMS OF BK/O (51)63 END BRACKETS THE FUNCTIONS OF SUCH OFFICERS IN THE WESTERN SECTORS OF BERLIN ARE EXPRESSLY SUBJECT TO THE POWERS AND JURISDICTION OF THE ALLIED AUTHORITIES AND THEY MAY ACT ONLY IN CONFORMITY WITH THE LAWS IN FORCE IN THE WESTERN SECTORS OF BERLIN. ACCORDINGLY THE PROSECUTION OF THIS CASE IN THE WESTERN SECTORS OF BERLIN BY SUCH OFFICERS IS NOT AN ACT BY A FEDERAL BODY IN EXERCISE OF DIRECT STATE AUTHORITY OVER THE WESTERN SECTORS OF BERLIN AND IS IN NO WAY INCONSISTENT WITH THE QUADRIpartite AGREEMENT.

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END TEXT

3. RICHARD ARGUED (ON INSTRUCTIONS) THAT THIS SHOULD BE A FORMAL AK DECLARATION. BOTH THE US REP AND THE UK REP (EYERS) SAID THAT THEIR CAPITALS OPPOSED A FORMAL DECLARATION AT THIS TIME SINCE THAT WOULD

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FM AMEMBASSY BONN
TO SECSTATE WASHDC NIACT IMMEDIATE 0635
AMEMBASSY PARIS IMMEDIATE
INFO USMISSION USBERLIN
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C O N F I D E N T I A L SECTION 02 OF 02 BONN 13242

REQUIRE A GREAT DEAL MORE THOUGHT AND ATTENTION THAN
WOULD A PRESS STATEMENT. EYERS NOTED AN APPROPRIATE
QUESTION FROM A FRIENDLY JOURNALIST COULD BE ARRANGED.
AT FRENCH INSISTENCE, WE AGREED TO RECOMMEND THAT
THE STATEMENT BE ISSUED AS AN AK PRESS STATEMENT,
NOT MERELY USED IN RESPONSE TO QUESTIONS.

4. CONSIDERATION WAS GIVEN TO THE FRENCH PROPOSAL
TO INCLUDE A REFERENCE TO BK/O (51)63. THE US REP
ARGUED THAT THIS WOULD BE UNWISE SINCE THAT BK/O REFERS
TO "OFFICIALS OR AGENCIES OUTSIDE BERLIN" TO WHOM
BERLIN AUTHORITIES HAVE DELEGATED AUTHORITY. WHILE
THIS WOULD BE AN APPROPRIATE REFERENCE IF THE FEDERAL
PROSECUTOR IN KARLSRUHE CAME TO BERLIN TO PROSECUTE
THE CASE, FOR EXAMPLE, IT WAS INAPPROPRIATE WHEN WE
HAD GONE TO SUCH PAINS TO ENSURE THAT THE PROSECUTING
ATTORNEYS BELONGED TO THE BERLIN OFFICE OF THE OFFICE
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OF THE FEDERAL PROSECUTOR. THESE ARE NOW BERLIN
OFFICIALS, NOT OFFICIALS OUTSIDE BERLIN. TO REFER TO
THE BK/O WOULD BE DANGEROUS AND WOULD UNDERCUT OUR
ARGUMENT THAT THEY ARE BERLIN OFFICIALS.

5. EYERS STRONGLY SUPPORTED THIS POSITION AND SAID
THAT A REFERENCE TO THE BK/O WAS NOT ONLY INAPPROPRIATE
IN A PRESS STATEMENT BUT WOULD LEAD THE PRESS TO
RESEARCH THE BK/O AND SPECULATE AS TO ITS MEANING.
HE ALSO SAID THAT THIS IS AN ADDITIONAL ARGUMENT WE
CAN HOLD IN RESERVE FOR ANSWERING THE SOVIET NOTES.
WE CAN SAY THAT THE ATTORNEYS ARE BERLIN OFFICIALS AND
THAT, EVEN IF THEY WERE NOT, THEY WOULD BE COVERED

BY THE BK/O.

6. THE FRG REP (VON BRAUNMUEHL) AGREED WITH BOTH THE US AND UK REPS.

7. RICHARD REPLIED THAT THE OTHERS MIGHT CONSIDER THE ATTORNEYS TO BE BERLIN OFFICIALS BUT PARIS IS "NOT SO SURE." HE SAID THAT HE UNDERSTOOD THE OTHERS' VIEWPOINTS BUT THAT THE PROBLEM IS THE USE OF THE PHRASE "BELONG TO" IN THE NON-PAPER. HE PROMISED TO REPORT AND SEEK INSTRUCTIONS. HE SAID HE DID NOT KNOW WHAT PARIS' REACTION WOULD BE BUT THOUGHT THAT THE QUAI WOULD INSIST ON THE REFERENCE TO THE BK/O AND WOULD WANT A FORMAL AK STATEMENT.

8. ACTION REQUESTED:

(A) APPROVAL OF THE DRAFT STATEMENT IN PARAGRAPH 2 (WITHOUT THE FRENCH BRACKETED PORTION), SUPRA, FOR ISSUANCE AS AN AK PRESS STATEMENT, AND
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(B) IF DEMARCHES TO THE FRENCH ARE UNDERTAKEN AS RECOMMENDED IN REF A IN WASHINGTON AND PARIS, THAT THE DEPARTMENT RAISE, AND AUTHORIZE EMBASSY PARIS TO RAISE, THIS MATTER AND SEEK FRENCH APPROVAL OF THE TEXT.
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